

WEDNESDAY, MARCH 21, 1990

EIGHTIETH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Rev. Farai D. Muzorewa, Braden United Methodist Church, Nashville, Tennessee.

Representative Bill Purcell led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

The Speaker announced that Representative Odom was excused to attend his wife's grandfather's funeral.

REPORTS FROM STANDING COMMITTEES

REPORT OF COMMITTEE ON CALENDAR AND RULES

March 20, 1990

MR. SPEAKER: Your Calendar and Rules Committee begs leave to report that we have met and set the following bills on the Regular

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Calendar for Wednesday, March 21, 1990: House Bill(s) No(s). 1798, 1800, 2407, 2574, 1044, 2222, 2415, 1973, 1291, 2060, 2138, 1433, 1818, 2162, 2589, 2440 and 2177.

We have also set the following bills on the **Regular Calendar for Thursday, March 22, 1990:** House Bill(s) No(s). 2178, 2184, 1648, 1683, 1861, 2565, 1801, 2518 and 2083; Senate Joint Resolution(s) No(s). 446; House Joint Resolution(s) No(s). 642 and 673; also, House Bill(s) No(s). 2376, 1929 and 2207.

We have also set the following bill(s) on the **Regular Calendar for Thursday, March 29, 1990:** House Bill(s) No(s). 2219.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar for Monday, March 26, 1990:** House Bill(s) No(s). 2414, 1931, 1662, 2497, 1741, 1806 and 1809; House Joint Resolution(s) No(s). 568, 596 and 597; Senate Joint Resolution(s) No(s). 474 and 171; also, House Bill(s) No(s). 2576.

PHILLIPS, Chairman.

**COMMERCE COMMITTEE
March 20, 1990**

MR. SPEAKER: Your Commerce Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 1638, 1826, 1896, 2266 (with amendment), 2291, 2412 and 2428 (with amendment).

We further recommend that, pursuant to **Rule No. 72**, House Bill(s) No(s). 2023, 2256 and 2541 (with amendment) be referred to the Finance, Ways and Means Committee.

We further report that the following was/were considered but failed to pass: House Bill No. 2465.

RHINEHART, Chairman.

Under the rules, House Bill(s) No(s). 1638, 1826, 1896, 2266 (with amendment), 2291, 2412 and 2428 (with amendment) was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 2023, 2256 and 2541 (with amendment) to the Finance, Ways and Means Committee.

**EDUCATION COMMITTEE
March 20, 1990**

MR. SPEAKER: Your Education Committee begs leave to report that we have carefully considered and recommend for passage: House

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Bill(s) No(s). 2454 and 2505 (with amendment); for adoption: House Joint Resolution(s) No(s). 510.

We further recommend that, pursuant to Rule No. 72, House Bill(s) No(s). 2569 be referred to the Finance, Ways and Means Committee.

DAVIDSON, Chairman.

Under the rules, House Bill(s) No(s). 2454 and 2505 (with amendment); also, House Joint Resolution(s) No(s). 510 was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72 the Speaker referred House Bill(s) No(s). 2569 to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS COMMITTEE
March 20, 1990

MR. SPEAKER: Your Finance, Ways and Means Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 590 (with amendment), 1759 (with amendment), 1850, 1860, 1887, 1918, 1968 (with amendment), 2033 (with amendment), 2037, 2113, 2143, 2204, 2226, 2421 (with amendment), 2423 (with amendment), 2425 (with amendment), 2489 and 2530.

BRAGG, Chairman.

Under the rules, House Bill(s) No(s). 590 (with amendment), 1759 (with amendment), 1850, 1860, 1887, 1918, 1968 (with amendment), 2033 (with amendment), 2037, 2113, 2143, 2204, 2226, 2421 (with amendment), 2423 (with amendment), 2425 (with amendment), 2489 and 2530 was/were transmitted to the Calendar and Rules Committee.

JOURNAL CORRECTION

FINANCE, WAYS AND MEANS COMMITTEE
March 6, 1990

MR. SPEAKER: Your Finance, Ways and Means Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 1975.

BRAGG, Chairman.

Under the rules, House Bill(s) No(s). 1975 was/were transmitted to the Calendar and Rules Committee.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

GOVERNMENT OPERATIONS COMMITTEE
March 20, 1990

MR. SPEAKER: Your Government Operations Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 2220 (with amendment).

KING, Chairman.

Under the rules, House Bill(s) No(s). 2220 (with amendment) was/were transmitted to the Calendar and Rules Committee.

JUDICIARY COMMITTEE
March 20, 1990

MR. SPEAKER: Your Judiciary Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 924 (with amendment), 1362, 1727 (with amendment), 2092 (with amendment), 2170 and 2365 (with amendment).

We further recommend that, pursuant to Rule No. 72, Senate Joint Resolution(s) No(s). 471; also, House Bill(s) No(s). 291, 1752 (with amendment), 1754 (with amendment), 1875 (with amendment) and 2598 be referred to the Finance, Ways and Means Committee.

BUCK, Chairman.

Under the rules, House Bill(s) No(s). 924 (with amendment), 1362, 1727 (with amendment), 2092 (with amendment), 2170 and 2365 (with amendment) was/were transmitted to the Calendar and Rules Committee.

Pursuant to Rule No. 72, the Speaker referred Senate Joint Resolution(s) No(s). 471; also, House Bill(s) No(s). 291, 1752 (with amendment), 1754 (with amendment), 1875 (with amendment) and 2598 to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT COMMITTEE
March 20, 1990

MR. SPEAKER: Your State and Local Government Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 1772, 1894, 2084 (with amendment), 2183 (with amendment), 2245, 2402 (with amendment), 2471, 2498 (with amendment) and 2613; Senate Bill(s) No(s). 2010; for adoption: House Joint Resolution(s) No(s). 643.

We further recommend that, pursuant to Rule No. 72, House Bill(s) No(s). 1845 (with amendment) and 2031 (with amendment) be referred to the Finance, Ways and Means Committee.

LOVE, Chairman.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Under the rules, House Bill(s) No(s). 1772, 1894, 2084 (with amendment), 2183 (with amendment), 2245, 2402 (with amendment), 2471, 2498 (with amendment) and 2613; Senate Bill(s) No(s). 2010; also, House Joint Resolution(s) No(s). 643; was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 1845 (with amendment) and 2031 (with amendment) to the Finance, Ways and Means Committee.

TRANSPORTATION COMMITTEE

March 20, 1990

MR. SPEAKER: Your Transportation Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 246 (with amendment), 607 (with amendment), 1159 (with amendment), 1753, 1802 (with amendment), 1803 (with amendment), 2336 and 2473; for adoption: House Joint Resolution(s) No(s). 608, 617 and 618.

We further recommend that, pursuant to **Rule No. 72**, House Bill(s) No(s). 169 (with amendment) be referred to the Finance, Ways and Means Committee.

ROBB ROBINSON, Chairman.

Under the rules, House Bill(s) No(s). 246 (with amendment), 607 (with amendment), 1159 (with amendment), 1753, 1802 (with amendment), 1803 (with amendment), 2336 and 2473; also, House Joint Resolution(s) No(s). 608, 617 and 618; was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 169 (with amendment) to the Finance, Ways and Means Committee.

MESSAGE FROM THE SENATE

March 20, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 664, 1424, 1985, 2061, 2147, 2185, 2465, 2469, 2498 and 2499; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0664 -- Real Property --** Revises exemption from Residential Lending, Brokerage and Servicing Act of 1988; applies investigation fee to both registrant and license applicants; increases renewal fee. Amends TCA, Title 45, Ch. 13.

***Senate Bill No. 1424 -- Crime, Victims of --** Enacts "Victims Bill of Rights".

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

***Senate Bill No. 1985 -- Pensions and Retirement Benefits --**
Allows certain employees of Tennessee national guard creditable service in TCRS. Amends TCA, Title 8, Ch. 34, Pt. 6.

***Senate Bill No. 2061 -- Health -- Enacts "The Tanning Facility Control Act of 1990".** Amends TCA, Title 68.

Senate Bill No. 2147 -- Election Laws -- Clarifies that identity of authorizing party is required on all political communications, solicitations, and advertisements. Amends TCA, Title 2, Ch. 19, Pt. 1.

***Senate Bill No. 2185 -- Workers' Compensation --** Makes workers' compensation award subject to assignment for child support. Amends TCA 50-6-223.

Senate Bill No. 2465 -- Purchasing -- Enacts "The Public Costs Savings Act of 1990".

Senate Bill No. 2469 -- Municipal Government -- Makes expanded board provisions for certain municipal housing authorities applicable only to municipalities located in certain counties. Amends TCA 13-20-415.

Senate Bill No. 2498 -- Uniform Commercial Code -- Increases filing fee for secured transaction relative to UCC. Amends TCA, Title 47, Ch. 9, Pt. 4.

Senate Bill No. 2499 -- Election Laws -- Specifies placement on ballot of candidates for office of district public defender. Amends TCA 2-5-208.

MESSAGE FROM THE SENATE
March 20, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 440, 452, 460, 484, 488, 490, 491, 505, 541 and 547; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Joint Resolution No. 0440 -- General Assembly, Studies --** Provides for study of desirability of establishing general public assistance program in Tennessee.

***Senate Joint Resolution No. 0452 -- Memorials, Government Officials --** Extends reporting date of HJR 307 (special study of area delivery systems).

***Senate Joint Resolution No. 0460 -- Memorials, Government Officials --** Directs Comptroller of Treasury to study collections of fines and costs in general sessions courts.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Senate Joint Resolution No. 0484 -- State Symbols -- Recognizes Aquarium in Chattanooga as official state aquarium.

Senate Joint Resolution No. 0488 -- Naming and Designating -- Designates Memphis in May International Festival as official international festival of Tennessee.

***Senate Joint Resolution No. 0490 -- Memorials, Government Officials -- Directs commissioner of economic and community development to conduct feasibility study on locating scientific and industrial research park at TSU.**

***Senate Joint Resolution No. 0491 -- Memorials, Government Officials -- Directs department of human services to study policies of adoption of special needs children.**

***Senate Joint Resolution No. 0505 -- Memorials, Government Officials -- Requests information systems council to conduct study concerning protection of rights of citizens.**

Senate Joint Resolution No. 0541 -- Memorials, Condolence -- Honors memory of Commander Claiborne T. Selden.

Senate Joint Resolution No. 0547 -- Memorials, Retirement -- Honors Justice William Harbison upon retirement from Supreme Court of Tennessee.

MESSAGE FROM THE GOVERNOR

March 20, 1990

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1807, 1812, 1837, 2104, 2147, 2233, 2599, 2600, 2601, 2602, 2605, 2607 and 2609; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

REPORT OF CHIEF ENGROSSING CLERK

March 20, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 1954, 2160, 2161, 2620 and 2621; and House Joint Resolution(s) No(s). 680, 682, 683, 684 and 693; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

SIGNED
March 20, 1990

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 1808, 1974, 2224 and 2370; also, Senate Joint Resolution(s) No(s). 515, 516, 523, 534, 544, 545 and 546.

ENROLLED BILLS
March 20, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 1617, 1620, 1623, 1624, 1625, 1654, 1663, 1667, 1670, 1672, 1675, 1678, 1689, 1690, 1691, 2218, 2225, 2309, 2429, 2566 and 2624; House Resolution(s) No(s). 122; also, House Joint Resolution(s) No(s). 541, 549, 687, 688 and 696; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED
March 20, 1990

The Speaker announced that he had signed the following: House Bill(s) No(s). 1617, 1620, 1623, 1624, 1625, 1654, 1663, 1667, 1670, 1672, 1675, 1678, 1689, 1690, 1691, 2218, 2225, 2309, 2429, 2566 and 2624; House Joint Resolution(s) No(s). 541, 549, 687, 688 and 696; also, House Resolution(s) No(s). 122.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

REPORTS FROM STANDING COMMITTEES

REPORT OF COMMITTEE ON CALENDAR AND RULES
March 21, 1990

MR. SPEAKER: Your Calendar and Rules Committee begs leave to report that we have met and set the following bills on the Regular Calendar for Thursday, March 22, 1990: Senate Bill(s) No(s). 1627; House Bill(s) No(s). 2584, 2238, 2323, 1975, 1901, 2154 and 2089.

We have also set the following bills on the Regular Calendar for Monday, March 26, 1990: House Bill(s) No(s). 1897.

We further report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, March 26, 1990: House Bill(s) No(s). 2390 and 2153.

PHILLIPS, Chairman.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

CONSERVATION AND ENVIRONMENT COMMITTEE

March 21, 1990

MR. SPEAKER: Your Conservation and Environment Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 1987 (with amendment), 2062 (with amendment) and 2311; for adoption: House Joint Resolution(s) No(s). 653.

HILLIS, Chairman.

Under the rules, House Bill(s) No(s). 1987 (with amendment), 2062 (with amendment) and 2311; also, House Joint Resolution(s) No(s). 653 was/were transmitted to the Calendar and Rules Committee.

LABOR AND CONSUMER AFFAIRS COMMITTEE

March 21, 1990

MR. SPEAKER: Your Labor and Consumer Affairs Committee begs leave to report that we have carefully considered and recommend for passage: House Bill(s) No(s). 1712 (with amendment) and 2481.

CHRIS TURNER, Chairman.

Under the rules, House Bill(s) No(s). 1712 (with amendment) and 2481 was/were transmitted to the Calendar and Rules Committee.

COMMUNICATIONS

March 20, 1990

The Honorable Larry Cole
Chief Clerk of the House
State Capitol
Nashville, TN 37219

Dear Mr. Cole:

On March 15, 1990, I delivered to your office several House Joint Resolutions which contained on the front page a typographical error regarding the date on which such resolutions were approved and signed by Governor McWherter. On the face of these resolutions, the date of approval is reflected as the 15th day of March, 1989. The correct date should have been reflected as the 15th day of March, 1990.

The House Joint Resolutions which contain this error, are numbered as follows: 554, 562, 630, 631, 632, 634, 635, 636, 637, 639, 640, 641, 644, 646, 647, 649, 650 and 656.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

I believe that this typographical error should be corrected in the official records. If there is anything further that I can do to assist in this matter, please let me know.

Sincerely,
/s/David H. Welles
Counsel to the Governor

RULES SUSPENDED

Rep. Phillips moved to suspend Rule No. 49, so that bills reported out of Calendar and Rules on Tuesday, March 20 and Wednesday, March 21, 1990, can be placed on floor calendars for Wednesday, March 21 and Thursday, March 22, 1990, respectively. The motion prevailed.

RULES SUSPENDED

Rep. Phillips moved to suspend Rule No. 71, as it relates to the 24-hour provision for distributing committee amendments to bills on the calendar, which motion prevailed.

RULES SUSPENDED

Rep. DeBerry moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 742 out of order, which motion prevailed.

***House Joint Resolution No. 0742 -- Memorials, Public Service -- Honors community based teen pregnancy programs designated as 1990 model programs. by *DeBerry, *Pruitt, *Peroulas, *Duer, *Cain, *Williams K, *Garrett.**

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. DeBerry, the resolution was adopted.

A motion to reconsider was tabled.

REGULAR CALENDAR

***Senate Bill No. 2018 -- Claims Commission, Tennessee -- Expands type of cases which may be transferred from claims commission to trial court. Amends TCA 9-8-404.**

Further consideration of Senate Bill No. 2018, previously considered on March 15, 1990, at which time it was substituted for House Bill No. 2317, the motion was made to adopt Amendment No. 1, and the bill was reset to the calendar for March 21, 1990.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Rep. Herron renewed his motion that Senate Bill No. 2018 be passed on third and final consideration.

Thereupon, Rep. Herron renewed the motion to adopt Amendment No. 1, which motion prevailed.

Thereupon, Rep. Herron moved that Senate Bill No. 2018, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

***Senate Bill No. 0499** -- Children, Employment of -- Restricts number of hours of employment for minors attending school. Amends TCA 50-5-105.

Further consideration of Senate Bill No. 499, previously considered on May 17, 1989, at which time it was substituted for House Bill No. 365; Amendments Nos. 1, 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12 were tabled; Amendment No. 7 was adopted; and the bill was re-referred to the Calendar and Rules Committee. On March 15, 1990, we reconsidered action in adopting Amendment No. 9 and it was withdrawn. Amendments Nos. 13, 14, 15, 16, 17, 18 and 19 were also withdrawn. Amendment No. 20 was adopted and the bill was reset to March 21, 1990.

Rep. Burnett moved that Senate Bill No. 499 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which was objected to, and the motion failed by the following vote:

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Ayes.	49
Noes.	41
Present and not voting.	2

Representatives voting aye were: Anderson, Austin, Bell, Bivens, Buck, Burchfield, Byrd, Clark, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), DePriest, Dixon, Gaia, Garrett, Givens, Good, Hassell, Herron, Hillis, Holcomb, Huskey, Jones, R. (Shelby), King, Love, McAfee, Moore (Shelby), Napier, Niceley, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Washington), Shirley, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, Whitson, Winningham, Yelton, Mr. Speaker Murray -- 49.

Representatives voting no were: Armstrong, Bittle, Bragg, Cain, Callicott, Chiles, Coffey, Copeland, Cross, Davis (Gibson), Davis (Knox), DeBerry, Duer, Gunnels, Halteman, Harrill, Head, Henry (Putnam), Henry (Roane), Hobbs, Holt, Hubbard, Jackson, Jones, U. (Shelby), Kent, McDaniel, Moody, Naifeh, Nuber, Peroulas, Robinson (Hamilton), Scruggs, Severance, Stamps, Ussery, West, Wheeler, Williams, Wix, Wolfe, Wood -- 41.

Representatives present and not voting were: Haun, Kernell -- 2.

Rep. Moody moved that Amendment No. 21 be withdrawn, which motion prevailed.

Rep. Henry (Roane) moved to amend as follows:

Amendment No. 21

Amend Senate Bill No. 499 by deleting from the first sentence of the amendatory language of Section 1(b) the words "A minor" and by substituting instead the following:

"Notwithstanding the provisions of Tennessee Code Annotated, Section 50-5-107, or any other law to the contrary, a minor"

AND FURTHER AMEND by adding the following paragraph to the end of Section 1(b):

The provisions of this subsection shall apply to all employers within the state, including but not limited to those employers described within the provisions of Tennessee Code Annotated, Section 50-5-107.

Rep. Burnett moved that Amendment No. 21 be tabled, which motion prevailed by the following vote:

Ayes.	47
Noes.	45
Present and not voting.	1

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Representatives voting aye were: Austin, Bell, Buck, Byrd, Callicott, Clark, Coffey, Collier, Crain, Curlee, Davis (Cocke), Davis (Gibson), DePriest, Dixon, Givens, Good, Haun, Herron, Hillis, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, Moore (Lawrence), Napier, Phillips, Pinion, Purcell, Rhinehart, Robinson (Davidson), Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Winningham, Yelton -- 47.

Representatives voting no were: Anderson, Bittle, Bivens, Bragg, Burchfield, Cain, Chiles, Cole, Copeland, Cross, Davidson, Davis (Knox), DeBerry, Duer, Gaia, Garrett, Gunnels, Halteman, Harrill, Hassell, Head, Henry (Putnam), Henry (Roane), Hobbs, Holcomb, Holt, McDaniel, Moody, Moore (Shelby), Naifeh, Niceley, Nuber, Peroulas, Pruitt, Robinson (Washington), Scruggs, Severance, Shirley, Stamps, Wheeler, Williams, Wix, Wolfe, Wood, Mr. Speaker Murray -- 45.

Representatives present and not voting were: Robinson (Hamilton) -- 1.

Rep. Whitson moved the previous question, which motion prevailed by the following vote:

Ayes.	63
Noes.	29

Representatives voting aye were: Anderson, Austin, Bell, Bivens, Buck, Burnett, Byrd, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Gaia, Garrett, Givens, Good, Hassell, Haun, Herron, Hillis, Holcomb, Hubbard, Huskey, Jones, R. (Shelby), Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Shelby), Napier, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Yelton, Mr. Speaker Murray -- 63.

Representatives voting no were: Armstrong, Bittle, Bragg, Burchfield, Cain, Callicott, Chiles, Coffey, Copeland, DeBerry, Duer, Gunnels, Halteman, Harrill, Head, Henry (Putnam), Hobbs, Holt, Jackson, Kent, Moody, Naifeh, Niceley, Peroulas, Scruggs, Stamps, Ussery, Wix, Wood -- 29.

Thereupon, Rep. Burnett moved that **Senate Bill No. 499**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	67
Noes.	27

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Representatives voting aye were: Austin, Bell, Bivens, Buck, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Dixon, Givens, Good, Halteman, Hassell, Haun, Henry (Putnam), Hillis, Holcomb, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, Moore (Lawrence), Moore (Shelby), Napier, Nuber, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wood, Yelton, Mr. Speaker Murray -- 67.

Representatives voting no were: Anderson, Armstrong, Bittle, Bragg, Burchfield, Chiles, Copeland, Cross, Davis (Knox), DeBerry, Duer, Gaia, Garrett, Gunnels, Harrill, Head, Henry (Roane), Hobbs, Holt, Jackson, McDaniel, Moody, Naifeh, Niceley, Peroulas, Robinson (Washington), Scruggs -- 27.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Murray relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 2345 -- Health -- Enacts durable power of attorney for health care. Amends TCA, Title 34, Ch. 6.

Further consideration of House Bill No. 2345, previously considered on March 15, 1990, at which time it was reset to the calendar for March 21, 1990.

Rep. Holcomb moved that House Bill No. 2345 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2345 by amending Section 5 by deleting subsection (a)(1) and substituting the following new subsection:

(a)(1) Unless the durable power of attorney for health care provides otherwise, or unless a court with appropriate jurisdiction finds by clear and convincing evidence that the attorney in fact is acting on behalf of the principal in bad faith, the attorney in fact designated in such durable power of attorney who is known to the health care provider to be available and willing to make

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

health care decisions has priority over any other person to act for the principal in all matters of health care decisions.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Holcomb moved that House Bill No. 2345, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

Representatives voting no were: Crain, Henry (Putnam), Turner, C. (Shelby) -- 3.

A motion to reconsider was tabled.

House Bill No. 2516 -- Tort Liability -- Enacts "The Public Protection Act of 1990". Amends TCA, Title 50.

Further consideration of House Bill No. 2516, previously considered on March 14 and 19, 1990, at which time the bill was reset to the calendar for March 21, 1990.

Rep. Herron moved that House Bill No. 2516 be passed on third and final consideration.

Rep. Herron moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2516 by adding the following as new Section 2 and by renumbering the existing Section 2 accordingly:

SECTION 2. This law shall not be used for frivolous lawsuits and anyone trying to do so shall be subject to sanction as follows. If any employee files a cause of

action for retaliatory discharge for any improper purpose, such as to harass or to cause needless increase in costs to the employer, then the court, upon motion or upon its own initiative, shall impose upon the employee an appropriate sanction, which may include an order to pay the other party or parties the amount of reasonable expenses incurred, including reasonable attorney's fee.

On motion, Amendment No. 1 was adopted.

Rep. Crain moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Haun moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2516 by adding a new subsection to the amendatory language of Section 1 and by redesignating the existing subsections accordingly:

() No employee shall be discharged or terminated solely for using tobacco products if such employee uses such products in a manner which complies with all applicable employer policies regarding such use during times at which such employee is working. No employee shall be discharged or terminated solely for using tobacco products if such employee uses such products during times when such employee is not working.

Rep. Davis (Knox) moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes.	49
Noes.	47
Present and not voting.	1

Representatives voting aye were: Anderson, Austin, Bivens, Buck, Burchfield, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Curlee, Davis (Gibson), Davis (Knox), Dixon, Garrett, Gunnels, Halteman, Hassell, Henry (Putnam), Herron, Hobbs, Holcomb, Holt, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), King, Kisber, Love, Moore (Lawrence), Nuber, Peroulas, Purcell, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shirley, Sipes, Stamps, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Williams, Wood, Yelton -- 49.

Representatives voting no were: Armstrong, Bell, Bittle, Bragg, Callicott, Cole, Copeland, Cross, Davidson, Davis (Cocke), DeBerry, DePriest, Duer, Gaia, Givens, Harrill, Haun, Head, Henry (Roane), Hillis, Hubbard, Huskey, Kent, Kernell, McAfee, McDaniel, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Washington), Severance,

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Starnes, Turner (Hamilton), Webb, Wheeler, Whitson, Winningham, Wix, Wolfe, Mr. Speaker Murray -- 47.

Representatives present and not voting were: Good -- 1.

Rep. Williams moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Williams moved to amend as follows:

Amendment No. 3

Amend House Bill No. 2516 by adding at the end of subsection (a) in Section 1 the following:

As used in this act, "illegal activities" means activities which are in violation of the criminal or civil code of this state or the United States or any regulation intended to protect the public health, safety or welfare.

On motion, Amendment No. 3 was adopted.

Rep. Clark moved the previous question, which motion failed by the following vote:

Ayes	51
Noes	33

Representatives voting aye were: Anderson, Armstrong, Austin, Bivens, Buck, Burchfield, Burnett, Byrd, Clark, Coffey, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Garrett, Good, Gunnels, Halteman, Hassell, Henry (Putnam), Herron, Hobbs, Holt, Huskey, Jackson, Jones, R. (Shelby), Kernell, King, Kisber, Love, McDaniel, Niceley, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Severance, Shirley, Stallings, Turner, C. (Shelby), Turner, L. (Shelby), Webb, Williams, Wolfe, Yelton -- 51.

Representatives voting no were: Bell, Bittle, Bragg, Callicott, Chiles, Copeland, Cross, DePriest, Duer, Gaia, Givens, Harrill, Head, Hillis, Holcomb, Hubbard, Kent, McAfee, Moody, Moore (Shelby), Naifeh, Nuber, Peroulas, Rhinehart, Robinson (Washington), Scruggs, Sipes, Stamps, Turner (Hamilton), Ussery, Winningham, Wood, Mr. Speaker Murray -- 33.

Rep. Hubbard moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Haun moved to amend as follows:

Amendment No. 4

Amend House Bill No. 2516 by adding the following new section immediately preceding the last section and by

renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 4-29-211(a), is amended by adding a new item thereto, as follows:

() Judicial secretarial compensation commission, created by Section 3 of this act;

Rep. Davis (Knox) moved that Amendment No. 4 be tabled, which motion failed by the following vote:

Ayes.	39
Noes.	56
Present and not voting.	1

Representatives voting aye were: Anderson, Austin, Bivens, Buck, Burchfield, Burnett, Byrd, Clark, Coffey, Collier, Crain, Curlee, Davis (Knox), Halteman, Hassell, Henry (Putnam), Herron, Holcomb, Holt, Jackson, Jones, R. (Shelby), Kisber, Love, Nuber, Peroulas, Pruitt, Purcell, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shirley, Stallings, Stamps, Turner, C. (Shelby), Turner, L. (Shelby), West, Williams, Wood, Yelton -- 39.

Representatives voting no were: Armstrong, Bell, Bittle, Bragg, Cain, Callicott, Chiles, Cole, Copeland, Cross, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Gunnels, Harrill, Haun, Head, Henry (Roane), Hillis, Hobbs, Hubbard, Huskey, Jones, U. (Shelby), Kent, Kernell, King, McAfee, McDaniel, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Phillips, Pinion, Rhinehart, Ridgeway, Robinson (Washington), Severance, Sipes, Starnes, Turner (Hamilton), Ussery, Webb, Wheeler, Whitson, Winningham, Wix, Wolfe, Mr. Speaker Murray -- 56.

Representatives present and not voting were: Good -- 1.

Thereupon, Rep. Haun moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Haun moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Haun moved to amend as follows:

Amendment No. 5

Amend House Bill No. 2516 by adding a new subsection to the amendatory language of Section 1 and by redesignating the existing subsections accordingly:

() No employee shall be discharged or terminated solely for participating or engaging in the use of an agricultural product not regulated by the alcoholic beverage commission that is not otherwise proscribed by law

if such employee participates or engages in such use in a manner which complies with all applicable employer policies regarding such use during times at which such employee is working. No employee shall be discharged or terminated solely for participating or engaging in the use of such product not regulated by the alcohol beverage commission which is not otherwise proscribed by law if such employee participates or engages in such activity during times when such employee is not working.

Rep. Bivens moved to reject Amendment No. 5.

CHAIR TO SPEAKER

Mr. Speaker Murray resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Haun moved to table the motion to reject, which motion prevailed by the following vote:

Ayes.	54
Noes.	38
Present and not voting.	2

Representatives voting aye were: Armstrong, Bell, Bittle, Bragg, Burnett, Cain, Callicott, Chiles, Cole, Copeland, Cross, Davidson, Davis (Cocke), DeBerry, Dixon, Duer, Gaia, Givens, Gunnels, Harrill, Haun, Head, Hillis, Hobbs, Hubbard, Huskey, Jones, U. (Shelby), Kent, King, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Phillips, Pinion, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Starnes, Turner (Hamilton), Webb, Wheeler, Whitson, Winningham, Wolfe, Yelton, Mr. Speaker Murray -- 54.

Representatives voting no were: Anderson, Austin, Bivens, Buck, Burchfield, Byrd, Clark, Coffey, Crain, Curlee, Davis (Gibson), Davis (Knox), Halteman, Hassell, Henry (Putnam), Henry (Roane), Herron, Holcomb, Holt, Jackson, Jones, R. (Shelby), Kisber, Love, Nuber, Peroulas, Pruitt, Purcell, Robinson (Davidson), Scruggs, Shirley, Stallings, Stamps, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Williams, Wood -- 38.

Representatives present and not voting were: Good, Kernell -- 2.

Rep. Copeland moved the previous question, which motion failed by the following vote:

Ayes.	60
Noes.	35

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bragg, Burnett, Cain, Callicott, Copeland, Cross, Davidson, Davis (Cocke), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Harrill, Haun, Head, Hillis, Hobbs, Hubbard, Huskey, Jones, U. (Shelby), Kent, King, Kisber, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Starnes, Turner (Hamilton), Webb, West, Wheeler, Whitson, Winningham, Wolfe, Wood, Mr. Speaker Murray -- 60.

Representatives voting no were: Austin, Bivens, Buck, Burchfield, Byrd, Clark, Coffey, Cole, Collier, Crain, Curlee, Davis (Gibson), Davis (Knox), Halteman, Hassell, Henry (Putnam), Henry (Roane), Herron, Holcomb, Holt, Jackson, Jones, R. (Shelby), Love, Nuber, Purcell, Robinson (Davidson), Shirley, Sipes, Stallings, Stamps, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Williams, Yelton -- 35.

Rep. Buck moved that Amendment No. 5 be tabled, which motion failed by the following vote:

Ayes.	43
Noes.	54

Representatives voting aye were: Anderson, Austin, Bivens, Buck, Burnett, Byrd, Clark, Coffey, Collier, Crain, Curlee, Davis (Knox), Good, Halteman, Hassell, Henry (Putnam), Herron, Holcomb, Holt, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kisber, Love, Moore (Lawrence), Nuber, Phillips, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Sipes, Stallings, Stamps, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Williams, Winningham, Yelton -- 43.

Representatives voting no were: Armstrong, Bell, Bittle, Bragg, Burchfield, Cain, Callicott, Chiles, Cole, Copeland, Cross, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Gunnels, Harrill, Haun, Head, Henry (Roane), Hillis, Hobbs, Hubbard, Huskey, Kent, Kernell, King, McAfee, McDaniel, Moody, Moore (Shelby), Naifeh, Napier, Niceley, Peroulas, Pinion, Rhinehart, Robinson (Washington), Scruggs, Severance, Starnes, Turner (Hamilton), Webb, Wheeler, Whitson, Wolfe, Wood, Mr. Speaker Murray -- 54.

Thereupon, Rep. Haun renewed the motion to adopt Amendment No. 5, which motion prevailed by the following vote:

Ayes.	54
Noes.	42

Representatives voting aye were: Armstrong, Bell, Bittle, Bragg, Cain, Callicott, Chiles, Cole, Copeland, Cross, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Gunnels, Harrill, Haun, Head, Henry (Roane), Hillis, Hobbs, Hubbard, Huskey, Kent, Kernell, King, McAfee, McDaniel, Moody, Moore

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

(Shelby), Naifeh, Napier, Niceley, Peroulas, Pinion, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Starnes, Turner (Hamilton), Webb, Wheeler, Whitson, Winningham, Wolfe, Wood, Mr. Speaker Murray -- 54.

Representatives voting no were: Anderson, Austin, Bivens, Buck, Burchfield, Burnett, Byrd, Clark, Coffey, Collier, Crain, Curlee, Davis (Knox), Good, Halteman, Hassell, Henry (Putnam), Herron, Holcomb, Holt, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kisber, Love, Moore (Lawrence), Nuber, Phillips, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Shirley, Sipes, Stallings, Stamps, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Williams, Yelton -- 42.

Rep. Burnett moved the previous question, which motion prevailed.

Thereupon, Rep. Herron moved that **House Bill No. 2516**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	1
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives voting no were: Nuber -- 1.

Representatives present and not voting were: Hubbard -- 1.

A motion to reconsider was tabled.

House Bill No. 2392 -- Municipal Government -- Authorizes municipalities to use moneys in the general fund for certain purposes. Amends TCA, Titles 6, 7.

Further consideration of House Bill No. 2392, previously considered on March 19, 1990, at which time the bill was reset to the calendar for March 21, 1990.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Rep. Collier moved that House Bill No. 2392 be reset two weeks to the Calendar for Wednesday, April 4, 1990, which motion prevailed.

House Bill No. 1852 -- Insurance, Health, Accident -- Revises Long-Term Care Insurance Act. Amends TCA, Title 56, Ch. 42.

Further consideration of House Bill No. 1852, previously considered on March 19, 1990, at which time the bill was reset to the calendar for March 21, 1990.

On motion, House Bill No. 1852 was made to conform with Senate Bill No. 1858.

On motion, Senate Bill No. 1858, on same subject, was substituted for House Bill No. 1852.

Rep. Starnes moved that Senate Bill No. 1858 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

***House Bill No. 1798 -- Pensions and Retirement Benefits -- Places optional retirement program for state institutions of higher education under board of trustees instead of state board of education. Amends TCA, Title 8, Chs. 34--37.**

Rep. Rhinehart moved that House Bill No. 1798 be reset one week from Monday to the Calendar for Monday, April 2, 1990, which motion prevailed.

***House Bill No. 1800 -- Pensions and Retirement Benefits -- Excludes certain officials and employees of TCRS from court**

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

appearance by process; authorizes board of trustees to revise certain provisions. Amends TCA 8-24-404; Title 8, Ch. 34, Pt. 2; 8-35-401, 440, 8-36-109, 8-36-501, 8-37-104, 8-37-502, 64-1-312, 64-1-909, 64-5-115; Title 68, Ch. 2, Pt. 11.

Rep. Rhinehart moved that House Bill No. 1800 be reset one week from Monday to the Calendar for Monday, April 2, 1990, which motion prevailed.

House Bill No. 2407 -- Highway Signs -- Makes owner of a non-complying sign liable for certain damages and costs. Amends TCA 54-21-105.

Rep. Bivens moved that House Bill No. 2407 be reset one week to the Calendar for Wednesday, March 28, 1990, which motion prevailed.

***House Bill No. 2574 -- Education --** Revises provisions relative to education. Amends TCA, Title 49.

Rep. Bivens moved that House Bill No. 2574 be reset one week to the Calendar for Wednesday, March 28, 1990, which motion prevailed.

House Bill No. 1044 -- Real Property -- Revises exemption from Residential Lending, Brokerage and Servicing Act of 1988; applies investigation fee to both registrant and license applicants; increases renewal fee. Amends TCA, Title 45, Ch. 13.

On motion, House Bill No. 1044 was made to conform with Senate Bill No. 664.

On motion, **Senate Bill No. 664**, on same subject, was substituted for House Bill No. 1044.

Rep. Naifeh moved that Senate Bill No. 664 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 664 by deleting Section 1 in its entirety and renumbering subsequent sections appropriately.

AND FURTHER AMEND by deleting the effective date section and substituting instead the following:

This act shall take effect on July 1, 1990, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Thereupon, Rep. Naifeh moved that **Senate Bill No. 664**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	88
Noes.	2

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

Representatives voting no were: Coffey, Stamps -- 2.

A motion to reconsider was tabled.

House Bill No. 2222 -- Driver Licenses -- Denies driver license to high school dropouts; requires proof of school enrollment to obtain driver license. Amends TCA, Title 49, Ch. 6, Pt. 30; Title 55, Ch. 50.

On motion, House Bill No. 2222 was made to conform with Senate Bill No. 2340.

On motion, **Senate Bill No. 2340**, on same subject, was substituted for House Bill No. 2222.

Rep. Naifeh moved that Senate Bill No. 2340 be passed on third and final consideration.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

Rep. Naifeh moved that **Senate Bill No. 2340** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	78
Noes.	13
Present and not voting.	1

Representatives voting aye were: Anderson, Austin, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Cross, Curlee, Davidson,

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Davis (Cocke), Davis (Knox), DePriest, Duer, Garrett, Givens, Good, Gunnels, Halteman, Hassell, Haun, Henry (Putnam), Henry (Roane), Herron, Hobbs, Holt, Huskey, Jackson, Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 78.

Representatives voting no were: Armstrong, Bell, Dixon, Gaia, Harrill, Head, Holcomb, Hubbard, Jones, R. (Shelby), Jones, U. (Shelby), Moody, Robinson (Washington), Turner, L. (Shelby) -- 13.

Representatives present and not voting were: DeBerry -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 2340 and have this statement entered in the Journal.

Rep. Ulysses Jones, Jr.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 2340 and have this statement entered in the Journal.

Rep. Mayo Wix

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 2340 and have this statement entered in the Journal.

Rep. Ray Davis

REGULAR CALENDAR, CONTINUED

House Bill No. 2415 -- Highway Signs -- Provides for signs for Cypress Grove Park in Jackson.

On motion, House Bill No. 2415 was made to conform with Senate Bill No. 2332.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

On motion, Senate Bill No. 2332, on same subject, was substituted for House Bill No. 2415.

Rep. Kisber moved that Senate Bill No. 2332 be passed on third and final consideration.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

Rep. Kisber moved that Senate Bill No. 2332 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

House Bill No. 1973 -- Workers' Compensation -- Makes issuance of certificate of compliance with insurance requirements of Workers' Compensation Law conclusive evidence of such compliance. Amends TCA, Title 50, Ch. 6, Pt. 4.

On motion, House Bill No. 1973 was made to conform with Senate Bill No. 1781.

On motion, Senate Bill No. 1781, on same subject, was substituted for House Bill No. 1973.

Rep. Kisber moved that Senate Bill No. 1781 be passed on third and final consideration.

On motion, Rep. C. Turner (Shelby) withdrew Labor and Consumer Affairs Committee Amendment No. 1.

Rep. Kisber moved that Senate Bill No. 1781 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

House Bill No. 1291 -- Municipal Government -- Enables municipalities to "do within their boundaries anything the state could do". Amends TCA, Titles 6, 7, 13, 67.

Rep. Kisber moved that House Bill No. 1291 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1291 by deleting SECTION 1 in its entirety and replacing it with the following:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 54, Part 5 is amended by adding the following as an appropriately numbered new section:

6-54-5. Validation of ordinances included in codification. When any municipality has its ordinances codified and adopts a code of ordinances in accordance with this Part, or when a municipality has its code of ordinances updated from time to time, the adoption of the code or the updating of the code of ordinances shall cure any defects that occurred in the adoption of any of the individual ordinances that are codified or referred to in the code. The adoption of all ordinances codified or referred to in all municipal codes of ordinances previously adopted and in existence on the date this Section takes effect is hereby expressly validated and ratified

notwithstanding that defects may have occurred in the adoption.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Kisber moved that House Bill No. 1291, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 2060 -- Consumer Protection -- Makes contractual waiver of state law for membership camping unenforceable. Amends TCA, Title 47, Ch. 18, Pt. 4.

On motion, House Bill No. 2060 was made to conform with Senate Bill No. 1986.

On motion, Senate Bill No. 1986, on same subject, was substituted for House Bill No. 2060.

Rep. Kisber moved that Senate Bill No. 1986 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane),

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray
-- 97.

A motion to reconsider was tabled.

House Bill No. 2138 -- Water Pollution -- Excludes certain restoration of swamps from definition of pollution under water quality laws. Amends TCA, Title 69, Ch. 3.

Rep. Holt moved that House Bill No. 2138 be reset one week to the Calendar for Wednesday, March 28, 1990, which motion prevailed.

House Bill No. 1433 -- Alcoholic Beverages -- Authorizes retail sales by beer manufacturers in certain circumstances. Amends TCA, Title 57, Chs. 5, 6.

On motion, House Bill No. 1433 was made to conform with Senate Bill No. 1011.

On motion, Senate Bill No. 1011, on same subject, was substituted for House Bill No. 1433.

Rep. King moved that Senate Bill No. 1011 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. King moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. King moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1011 by deleting in its entirety everything following the enacting clause and substituting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Section 57-5-101, is amended by adding the following appropriately numbered subsection at the end of the section:

(c) Notwithstanding the prohibition of subsection (a), a manufacturer which is located in any

county having a population of more than seven hundred thousand (700,000) according to the 1980 federal census or any subsequent federal census and which produces not more than five thousand (5,000) barrels of product annually may sell its products directly to retailers, or alternatively may perform any of the following functions:

(1) May operate as a retailer at the manufacturer's location or a site contiguous thereto for sales for consumption on or off the premises under the provisions of this chapter as long as the requirements of this chapter concerning the licensing of such retail establishments are met.

(2) May qualify for and hold a license under the provisions of Tennessee Code Annotated, Title 57, Chapter 4, as a "restaurant".

SECTION 2. This act shall take effect on January 1, 1991, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. King moved passage of Senate Bill No. 1011, as amended, on third and final consideration, which motion failed by the following vote:

Ayes.	38
Noes.	40
Present and not voting.	12

Representatives voting aye were: Anderson, Armstrong, Austin, Bivens, Buck, Burnett, Chiles, Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Halteman, Hillis, Hubbard, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Phillips, Pinion, Pruitt, Robinson (Davidson), Robinson (Hamilton), Turner, L. (Shelby), Webb, West, Whitson, Williams, Mr. Speaker Murray -- 38.

Representatives voting no were: Bell, Bittle, Byrd, Callicott, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Duer, Gunnels, Harrill, Hassell, Henry (Roane), Hobbs, Holcomb, Holt, Huskey, Jackson, McAfee, McDaniel, Napier, Peroulas, Rhinehart, Ridgeway, Scruggs, Shirley, Sipes, Stallings, Stamps, Turner, C. (Shelby), Ussery, Wheeler, Winningham, Wolfe, Wood -- 40.

Representatives present and not voting were: Bragg, Burchfield, Cain, Clark, Givens, Good, Haun, Head, Herron, Nuber, Severance, Wix -- 12.

Pursuant to Rule No. 39, Senate Bill No. 1011,

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

having failed to receive a constitutional majority, was re-referred to the Calendar and Rules Committee.

House Bill No. 1818 -- Deeds -- Imposes certain requirements pertaining to recorded transfers of real property. Amends TCA, Titles 8, 66.

Rep. King moved that House Bill No. 1818 be reset to the next available space on the next calendar to the Calendar for Monday, March 26, 1990, which motion prevailed.

***House Bill No. 2162 -- Purchasing --** Exempts nonprofit corporations from County Purchasing Law of 1983. Amends TCA 5-14-202.

On motion, House Bill No. 2162 was made to conform with Senate Bill No. 2352.

On motion, **Senate Bill No. 2352**, on same subject, was substituted for House Bill No. 2162.

Rep. Robinson (Davidson) moved that **Senate Bill No. 2352** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	89
Noes.	3

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 89.

Representatives voting no were: Coffey, Copeland, Stamps -- 3.

A motion to reconsider was tabled.

***House Bill No. 2589 -- Utilities, Utility Districts --** States method of selecting members of board of commissioners for certain utility districts. Amends TCA, Title 7, Ch. 82.

Rep. Robinson (Davidson) moved that House Bill No. 2589 be

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2589 by deleting from the amendatory language of Section 1 the words "or to the chancellor sitting in the chancery court".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Robinson (Davidson) moved that House Bill No. 2589, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

***House Bill No. 2440 -- Litter Control --** Creates presumption that litter bearing person's name was put on property by that person. Amends TCA 39-14-502.

On motion, House Bill No. 2440 was made to conform with Senate Bill No. 2528.

On motion, **Senate Bill No. 2528**, on same subject, was substituted for House Bill No. 2440.

Rep. Robinson (Davidson) moved that **Senate Bill No. 2528** be passed on third and final consideration.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Rep. Davis (Gibson) moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2528 by deleting the amendatory language of Section 1 and by substituting instead the following:

(e) If litter is discovered on any public property other than public property designated for the disposal of litter, or if litter is discovered upon the private property of a person who has not given permission for the disposal of litter, and the litter bears the name of a natural person, there is an inference that the natural person has committed the offense of criminal littering.

On motion, Amendment No. 1 was adopted.

Rep. Robinson (Davidson) moved that Senate Bill No. 2528 be passed on third and final consideration.

Rep. Robinson (Davidson) moved that Senate Bill No. 2528 be reset next available space on the next calendar to the Calendar for Monday, March 26, 1990, which motion prevailed.

House Bill No. 2177 -- Handicapped Persons -- Permits deaf interpreters or dual party relay operators.

On motion, House Bill No. 2177 was made to conform with Senate Bill No. 2066.

On motion, Senate Bill No. 2066, on same subject, was substituted for House Bill No. 2177.

Rep. Burnett moved that Senate Bill No. 2066 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Burnett moved that Senate Bill No. 2066 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry

(Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

***House Bill No. 1839** -- Sunshine Law -- Permits governmental meetings to be held through electronic or other communication systems.

Further consideration of House Bill No. 1839, previously considered on March 19, 1990, at which time the bill was reset to the calendar for March 21, 1990.

On motion, House Bill No. 1839 was made to conform with Senate Bill No. 2201.

On motion, **Senate Bill No. 2201**, on same subject, was substituted for House Bill No. 1839.

Rep. Bragg moved that Senate Bill No. 2201 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Bragg moved that **Senate Bill No. 2201** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Representatives voting no were: Stamps -- 1.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Resolution No. 0124 -- Memorials, Sports -- Congratulates Tri-Cities Christian High School Golden Eagles, State Soccer Champions.

House Resolution No. 0125 -- Memorials, Sports -- Honors Cookeville High School Basketball team, 1990 District 7 Class AAA Champions.

House Resolution No. 0126 -- Memorials, Personal Achievement -- Honors Mary Whitlock, Carmon Brown, Darlene Allred, Wendy Callahan, and Lisa Griffith, Oliver Springs' five outstanding seniors.

House Resolution No. 0127 -- Memorials, Personal Achievement -- Congratulates National Merit Scholars of Oak Ridge.

House Resolution No. 0128 -- Memorials, Congratulations -- Commends Oak Ridge participants and teachers of Youth Art Month All-State Art Exhibit.

House Joint Resolution No. 0718 -- Memorials, Personal Achievement -- Honors Sue Walker, Mother of the Year.

House Joint Resolution No. 0719 -- Memorials, Professional Achievement -- Commends Donna H. Carr for fifty consecutive years of teaching at Middleton High School.

House Joint Resolution No. 0720 -- Memorials, Public Service -- Commends Jon Soderstrom on volunteer work.

House Joint Resolution No. 0721 -- Memorials, Sports -- Congratulates T.W. Hunter Middle School cheerleading squad on outstanding year.

House Bill No. 2610 -- Alamo -- Increases terms of office of mayor and aldermen. Amends Chapter 557, Private Acts of 1911, as amended.

House Bill No. 2632 -- Palmer -- Revises city charter. Amends Chapter 318, Private Acts of 1925, as amended.

House Bill No. 2634 -- Sumner County -- Enlarges power to guarantee bond issues by the Resource Authority. Amends Chapter 157, Private Acts of 1979, as amended.

House Bill No. 2636 -- Lewis County -- Changes clerk of general sessions court from county clerk to clerk of circuit court. Amends Chapter 509, Private Acts of 1941, as amended.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Senate Joint Resolution No. 0524 -- Memorials, Congratulations
-- Commends radio station WDIA for its No. 1 rated Blues Show.

Senate Joint Resolution No. 0527 -- Memorials, Condolence
Honors memory of Lillie Mae Lane Coleman.

Senate Joint Resolution No. 0528 -- Memorials, Condolence
Honors memory of Jack Massey.

Senate Joint Resolution No. 0529 -- Memorials, Public Service
Honors Mike Robertson on service as member of Claims Commission.

Senate Joint Resolution No. 0530 -- Memorials, Condolence
Expresses sorrow at death of Thomas Paschal Hamrick of Oak Ridge.

Senate Joint Resolution No. 0531 -- Memorials, Public Service
Honors Diane Wilde.

Senate Joint Resolution No. 0533 -- Memorials, Recognition
Honors Knoxville Association of Life Underwriters.

Senate Joint Resolution No. 0535 -- Memorials, Condolence
Honors memory of Henri Mae Berry-Hayes.

Senate Joint Resolution No. 0536 -- Memorials, Professional Achievement
-- Honors Dr. Barbara A. Duncan-Cody.

Senate Joint Resolution No. 0537 -- Memorials, Condolence
Honors memory of Ann D. Lawrence Weathers.

Senate Joint Resolution No. 0538 -- Memorials, Public Service
Honors Edward McNeary for service to African American community.

Senate Joint Resolution No. 0539 -- Memorials, Professional Achievement
-- Commends Arthur B. Hill for his achievements on New York City Police Department.

Senate Joint Resolution No. 0540 -- Memorials, Condolence
Honors memory of Representative Mickey Leland.

Senate Joint Resolution No. 0543 -- Memorials, Recognition
Honors Joe Webb, founder of Joe Webb Riding School.

House Bill No. 2638 -- Gibson County -- Provides for popular election of board of commissioners of utility district. Amends Chapter 192, Acts of 1953, as amended.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0877 -- Liens -- Establishes contractor's lien as only valid lien on real property to secure improvements of certain value. Amends TCA, Title 66, Ch. 11.

Senate Amendment No. 4

Amend House Bill No. 877 by deleting the effective section and by substituting instead the following:

This act shall take effect July 1, 1990, the public welfare requiring it.

Rep. Shirley moved that the House concur in Senate Amendment(s) No(s). 4 to House Bill No. 877, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier,

Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

***House Bill No. 2166 -- Utilities, Utility Districts --** Permits referendum on ouster of commissioners of water utility district in certain counties. Amends TCA 7-82-307.

Senate Amendment No. 1

Amend House Bill No. 2166 by deleting the unnumbered new Section added by House amendment number 1 in its entirety and substituting instead the following new Section:

Section _____. Tennessee Code Annotated, Section 7-82-307, is amended by adding the following new subsection:

() For any utility district serving less than three thousand (3,000) water customers, as certified in the special report to the ninety-sixth general assembly of selected financial information on public utility districts in Tennessee published by the comptroller of treasury of the state of Tennessee, dated November 1, 1989, in any county having a population of not less than sixty-seven thousand three hundred (67,300) nor more than sixty-seven thousand four hundred (67,400) according to the 1980 federal census or any subsequent federal census, the board of commissioners may consist of seven (7) members if approved by the customers of such water utility district in a referendum called on the question of whether or not the board of commissioners should be increased to seven (7) members. Upon the receipt of a petition by at least twenty percent (20%) of the customers of such water utility district, the county executive shall require the county clerk to verify the names and status of the signers of the petition to insure that they are bona fide customers of such district. If the petition contains the names of at least twenty percent (20%) of the customers, the county executive shall forward the petition to the county election commission which shall call a referendum on the question posed in the petition at the next regular November election to be held after it has received the petition. Any individual who is a customer of such district shall be qualified to vote in such referendum. If in the referendum a majority of the customers of the district, as verified by the county clerk, approve the increase in the members of the board of commissioners to seven (7), the county

executive shall appoint the new commissioners to the board within thirty (30) days of the certification of such referendum. In addition, if a vacancy occurs or a term expires, the county executive shall appoint a person to serve as a commissioner for the utility district's board of commissioners. To be eligible for an appointment under this subsection, a person shall be:

(1)A customer of the utility district; and

(2)A resident within the area served by the utility district.

Nothing in this act shall be construed to abridge the term of any present member of the board of commissioners nor affect any public utility district in the same county that has been acquired by or merged with a municipally owned or county owned public utility district.

Nothing in this act shall be construed to affect a municipally owned or county owned public utility district or any other public utility district chartered by and operated by the provisions of this title serving more than three thousand (3,000) water customers and less than one hundred (100) sewer customers, as certified by the special report referred to in this section, or any other public utility district serving gas customers, in such county.

Rep. Naifeh moved that the House nonconcur in Senate Amendment(s) No(s). 1 to House Bill No. 2166, which motion prevailed.

UNFINISHED BUSINESS

RESOLUTIONS REFERRED

Rep. DeBerry moved to suspend the rules to recall study resolutions from the appropriate standing committees as follows and refer them to the Calendar and Rules Committee to be heard by the Study Resolutions subcommittee on Thursday, March 22, which motion prevailed:

House Resolution No. 97 - From Education

House Resolution No. 123 - From Conservation and Environment

House Joint Resolution No. 698 - From General Welfare

House Joint Resolution No. 699 - From Conservation and Environment

Senate Joint Resolution No. 455 - From General Welfare

Senate Joint Resolution No. 459 - From Education

Senate Joint Resolution No. 471 - From Finance, Ways and Means

RULES SUSPENDED

Rep. Pruitt moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 490 out of order, which motion prevailed.

***Senate Joint Resolution No. 0490 -- Memorials, Government Officials --** Directs commissioner of economic and community development to conduct feasibility study on locating scientific and industrial research park at TSU.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Pruitt, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Pruitt moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 491 out of order, which motion prevailed.

***Senate Joint Resolution No. 0491 -- Memorials, Government Officials --** Directs department of human services to study policies of adoption of special needs children.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Pruitt, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Naifeh moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 749 out of order, which motion prevailed.

House Joint Resolution No. 0749 -- Memorials, Public Service -- Commends Lois DeBerry for mediation assistance during TSU negotiations. by *Naifeh, *Kisber, *Murray.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Naifeh, the resolution was adopted.

A motion to reconsider was tabled.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Thursday, March 22, 1990:

House Bill No. 1744: Rep. DePriest.

House Bill No. 2557: Rep. Winningham.

RULES SUSPENDED

Rep. Duer moved that the rules be suspended for the immediate introduction of House Joint Resolution No. 748 and referral to the Calendar and Rules Committee for hearing by the Study Resolution subcommittee on Thursday, March 22, which motion prevailed.

***House Joint Resolution No. 0748 --** General Assembly, Studies -- Provides for study of PCB contamination of wastes of East Tennessee. by *Duer, *Bittle, *McAfee.

RULES SUSPENDED

Rep. Stallings moved that the rules be suspended for the purpose of introducing House Resolution No. 129 out of order, which motion prevailed.

House Resolution No. 0129 -- Memorials, Recognition -- Honors Ed Jones on his collecting ability. by *Stallings.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Stallings, the resolution was adopted.

A motion to reconsider was tabled.

RESOLUTIONS REFERRED

Rep. Robinson (Davidson) moved to recall House Resolution No. 121 and House Joint Resolution No. 652 from the Transportation Committee and refer them to the Calendar and Rules Committee so they can be heard by the Study Resolution subcommittee on Thursday, March 22, which motion prevailed.

RULES SUSPENDED

Rep. Moody moved that the rules be suspended for the purpose of

recalling House Joint Resolution No. 668 from the Calendar and Rules Committee for immediate consideration, which motion prevailed.

House Joint Resolution No. 0668 -- Naming and Designating --
Designates April 7 through 21, 1990 "GLAD Bag-A-Thon Weeks".

On motion of Rep. Moody, the resolution was adopted.

A motion to reconsider was tabled.

ANNOUNCEMENTS

The Speaker asked for a roll call vote on whether members wish the rules enforced relative to introductions only being made under the order of business "Personal Orders". The will of the body is as follows:

Ayes.	64
Noes.	4
Present and not voting.	3

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Byrd, Callicott, Chiles, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davis (Gibson), Davis (Knox), Dixon, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Kent, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Peroulas, Pinion, Pruitt, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Ussery, Webb, West, Whitson, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 64.

Representatives voting no were: Duer, Stamps, Turner, C. (Shelby), Turner, L. (Shelby) -- 4.

Representatives present and not voting were: Haun, Purcell, Severance -- 3.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 690: Rep(s). L. Turner added as prime sponsor(s).

House Bill No. 924: Rep(s). B. Turner added as prime sponsor(s).

House Bill No. 1915: Rep(s). R. E. Davis added as prime sponsor(s).

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

House Bill No. 2177: Rep(s). Kent and Wheeler added as prime sponsor(s).

House Bill No. 2219: Rep(s). Kent added as prime sponsor(s).

House Bill No. 2222: Rep(s). Peroulas added as prime sponsor(s).

House Bill No. 2516: Rep(s). Kent and Davis Ray added as prime sponsor(s).

INTRODUCTION OF RESOLUTIONS

House Resolution No. 0130 -- Memorials, Congratulations -- Congratulates Ryan Durham on winning 4-H speaking contest. by *Moore C.

The Speaker referred House Resolution No. 130 to the Calendar and Rules Committee.

House Joint Resolution No. 0722 -- Memorials, Public Service -- Commends GFWC Stones River Woman's Club for twenty-five years of service. by *West.

The Speaker referred House Joint Resolution No. 722 to the Calendar and Rules Committee.

House Joint Resolution No. 0723 -- Memorials, Professional Achievement -- Honors Judy Rickman, Marshall County's Teacher of the Year. by *Phillips.

The Speaker referred House Joint Resolution No. 723 to the Calendar and Rules Committee.

***House Joint Resolution No. 0724 --** General Assembly, Studies -- Establishes special joint committee to study rights of law enforcement officers under investigation. by *Cain.

The Speaker referred House Joint Resolution No. 724 to the Judiciary Committee.

House Joint Resolution No. 0725 -- Memorials, Congratulations -- Honors Highland Rim Kiwanis Club on tenth anniversary. by *Curlee.

The Speaker referred House Joint Resolution No. 725 to the Calendar and Rules Committee.

House Joint Resolution No. 0745 -- Memorials, Condolence -- Honors memory of James Howard Schwam. by *Anderson, *Huskey.

The Speaker referred House Joint Resolution No. 745 to the Calendar and Rules Committee.

House Joint Resolution No. 0746 -- Memorials, Condolence -- Honors memory of Barbara Hope Mynatt. by *Anderson, *Huskey.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

The Speaker referred House Joint Resolution No. 746 to the Calendar and Rules Committee.

House Joint Resolution No. 0747 -- Memorials, Public Service -- Commends Dr. Bob Proffitt on service as election monitor during Nicaraguan elections. by *Anderson, *Huskey.

The Speaker referred House Joint Resolution No. 747 to the Calendar and Rules Committee.

House Joint Resolution No. 0750 -- Memorials, Personal Achievement -- Congratulates Eva Diana Herald, 1990 Salutatorian of Upperman High School. by *Henry Dwight.

The Speaker referred House Joint Resolution No. 750 to the Calendar and Rules Committee.

House Joint Resolution No. 0751 -- Memorials, Personal Achievement -- Congratulates Alison Massa Piepmeier as salutatorian of Cookeville High School. by *Henry Dwight.

The Speaker referred House Joint Resolution No. 751 to the Calendar and Rules Committee.

House Joint Resolution No. 0752 -- Memorials, Personal Achievement -- Honors Bryan Hickey, 1990 Upperman High School valedictorian. by *Henry Dwight.

The Speaker referred House Joint Resolution No. 752 to the Calendar and Rules Committee.

House Joint Resolution No. 0753 -- Memorials, Personal Achievement -- Congratulates Sherril Lynn Wells, Salutatorian of Monterey High School. by *Henry Dwight.

The Speaker referred House Joint Resolution No. 753 to the Calendar and Rules Committee.

House Joint Resolution No. 0754 -- Memorials, Personal Achievement -- Congratulates Jennifer Gill, 1990 Monterey High School valedictorian. by *Henry Dwight.

The Speaker referred House Joint Resolution No. 754 to the Calendar and Rules Committee.

House Joint Resolution No. 0755 -- Memorials, Personal Achievement -- Honors Patricia Ann Hargis, Valedictorian of Cookeville High School. by *Henry Dwight.

The Speaker referred House Joint Resolution No. 755 to the Calendar and Rules Committee.

House Joint Resolution No. 0756 -- Memorials, Personal Achievement -- Honors Anita Faye Wheeler on graduating Third Honors from Upperman High School. by *Henry Dwight.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

The Speaker referred House Joint Resolution No. 756 to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Senate Joint Resolution No. 0541 -- Memorials, Condolence -- Honors memory of Commander Claiborne T. Selden.

The Speaker referred Senate Joint Resolution No. 541 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0547 -- Memorials, Retirement -- Honors Justice William Harbison upon retirement from Supreme Court of Tennessee.

The Speaker referred Senate Joint Resolution No. 547 to the Calendar and Rules Committee.

RESOLUTIONS LYING OVER

***Senate Joint Resolution No. 0440 --** General Assembly, Studies -- Provides for study of desirability of establishing general public assistance program in Tennessee.

The Speaker referred Senate Joint Resolution No. 440 to the General Welfare Committee.

***Senate Joint Resolution No. 0452 --** Memorials, Government Officials -- Extends reporting date of HJR 307 (special study of area delivery systems).

The Speaker referred Senate Joint Resolution No. 452 to the State and Local Government Committee.

***Senate Joint Resolution No. 0460 --** Memorials, Government Officials -- Directs Comptroller of Treasury to study collections of fines and costs in general sessions courts.

The Speaker referred Senate Joint Resolution No. 460 to the Judiciary Committee.

Senate Joint Resolution No. 0484 -- State Symbols -- Recognizes Aquarium in Chattanooga as official state aquarium.

The Speaker referred Senate Joint Resolution No. 484 to the Calendar and Rules Committee.

Senate Joint Resolution No. 0488 -- Naming and Designating -- Designates Memphis in May International Festival as official international festival of Tennessee.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

The Speaker referred Senate Joint Resolution No. 488 to the Calendar and Rules Committee.

***Senate Joint Resolution No. 0505 --** Memorials, Government Officials -- Requests information systems council to conduct study concerning protection of rights of citizens.

The Speaker referred Senate Joint Resolution No. 505 to the State and Local Government Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration.

House Bill No. 2641 -- Somerville -- Removes voting eligibility based on property ownership; authorizes city governing body to set salary. Amends Chapter 409, Acts of 1901, as amended. by *Naifeh.

Passed first consideration.

House Bill No. 2642 -- Tipton County -- Extends term of constables. Amends Chapter 52, Private Acts of 1973. by *Naifeh.

Passed first consideration.

House Bill No. 2643 -- Tipton County -- Authorizes health trust fund to cover programs by public health department. Amends Chapter 8, Private Acts of 1981, as amended. by *Naifeh.

Passed first consideration.

House Bill No. 2644 -- Monterey -- Revises charter relative to aldermanic elections. Amends Chapter 492, Acts of 1901, as amended. by *Henry Dwight.

Passed first consideration.

House Bill No. 2645 -- Hawkins County -- Lengthens term of county attorney. Amends Chapter 123, Private Acts of 1983. by *Givens.

Passed first consideration.

House Bill No. 2646 -- Clarksville -- Removes prohibition of officer or employee continuing employment after nomination or election to public office. Amends Chapter 292, Private Acts of 1957. by *Ussery, *Head.

Passed first consideration.

House Bill No. 2647 -- Carter County -- Establishes minimum development standards for mobile homes. by *Whitson, *Cole.

Passed first consideration.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

House Bill No. 2648 -- Carter County -- Requires permits for certain structures in flood hazard area. by *Whitson, *Cole.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

On motion, the Senate Bills listed below, transmitted to the House were held on the Clerk's desk as noted.

***Senate Bill No. 1424** -- Crime, Victims of -- Enacts "Victims Bill of Rights".

Held on the Clerk's desk pending third consideration of companion House Bill No. 1394.

***Senate Bill No. 1985** -- Pensions and Retirement Benefits -- Allows certain employees of Tennessee national guard creditable service in TCRS. Amends TCA, Title 8, Ch. 34, Pt. 6.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1931.

***Senate Bill No. 2061** -- Health -- Enacts "The Tanning Facility Control Act of 1990". Amends TCA, Title 68.

Held on the Clerk's desk pending third consideration of companion House Bill No. 2296.

Senate Bill No. 2147 -- Election Laws -- Clarifies that identity of authorizing party is required on all political communications, solicitations, and advertisements. Amends TCA, Title 2, Ch. 19, Pt. 1.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 1630.

***Senate Bill No. 2185** -- Workers' Compensation -- Makes workers' compensation award subject to assignment for child support. Amends TCA 50-6-223.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1925.

***Senate Bill No. 2437** -- Vital Statistics -- Removes fee for obtaining copies of death certificate of veteran. Amends TCA 68-3-207.

Held on the Clerk's desk pending third consideration of companion House Bill No. 2376.

Senate Bill No. 2440 -- Highways, Roads and Bridges -- Includes Maury County in I-840 Bicentennial Parkway Project. Amends TCA 67-3-121.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Held on the Clerk's desk pending third consideration of companion *House Bill No. 2144.

Senate Bill No. 2465 -- Purchasing -- Enacts "The Public Costs Savings Act of 1990".

Held on the Clerk's desk pending third consideration of companion *House Bill No. 2427.

Senate Bill No. 2469 -- Municipal Government -- Makes expanded board provisions for certain municipal housing authorities applicable only to municipalities located in certain counties. Amends TCA 13-20-415.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 2471.

Senate Bill No. 2489 -- Insurance, Fire and Casualty -- Makes appraised value of personal property covered by policy binding under certain circumstances. Amends TCA, Title 56.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 2437.

Senate Bill No. 2498 -- Uniform Commercial Code -- Increases filing fee for secured transaction relative to UCC. Amends TCA, Title 47, Ch. 9, Pt. 4.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 2489.

Senate Bill No. 2499 -- Election Laws -- Specifies placement on ballot of candidates for office of district public defender. Amends TCA 2-5-208.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 2354.

Senate Bill No. 2502 -- Sports -- Makes toughman contests lawful. Amends TCA, Title 68, Ch. 50.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 2465.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted.

House Bill No. 2640 -- Hamblen County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

March 21, 1990

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2615, 2629, 2633 and 2640.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

March 21, 1990

MR. SPEAKER: The officers of your Calendar and Rules Committee beg leave to report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Thursday, March 22, 1990: House Resolution(s) No(s). 130; House Joint Resolution(s) No(s). 722, 723, 725, 745, 746, 747, 750, 751, 752, 753, 754, 755 and 756; House Bill(s) No(s). 2615, 2629, 2633 and 2640; also, Senate Joint Resolution(s) No(s). 541 and 547.

PHILLIPS, Chairman.

ENGROSSED BILLS

March 21, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 742; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

March 21, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2345; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

March 21, 1990

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1778, 2032, 2206, 2223 and 2400; also, House Joint Resolution(s) No(s). 613, 651, 655, 657, 658, 659, 660, 661,

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

662, 663, 664, 667, 669, 670, 671, 674, 675, 676 and 679; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

MESSAGE FROM THE SENATE
March 21, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1899, 2043, 2045, 2294, 2346 and 2604; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
March 21, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2513; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
March 21, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2510; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS
March 21, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1291 and 2516; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

ENGROSSED BILLS

March 21, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2589; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 21, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1797; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

March 21, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 2610, 2632, 2634, 2636 and 2638; also, House Joint Resolution(s) No(s). 668, 718, 719, 720, 721 and 749; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

REPORTS FROM SELECT COMMITTEES

The Clerk announced that the following report had been filed:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 1131/SENATE BILL NO. 1375

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 1375 (House Bill No. 1131) has met and recommends that House Amendments No. 1 and No. 3 be adopted and that House Amendment No. 2 be deleted; and further recommends that Senate Amendment No. 2, No. 3, and No. 4 be adopted.

Senator Ray Albright
Senator Ward Crutchfield
Senator William S. Owen

Representative Guy Cain
Representative Joe Kent
Representative Jimmy Naifeh

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

ENROLLED BILLS

March 21, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 124, 125, 126, 127, 128 and 129; find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 21, 1990

MR. SPEAKER: I am directed to return to the House, House Bill No. 393.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1, then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 21, 1990

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1854.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 21, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2217 and 2247; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 21, 1990

MR. SPEAKER: I am directed to return to the House, House Joint

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Resolution(s) No(s). 716; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE
March 21, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 650, 1589, 1797, 1898, 1940, 1957, 2053, 2058, 2226, 2255, 2260, 2265, 2271, 2331, 2344 and 2423; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0650 -- Pensions and Retirement Benefits --** Revises retirement law for certain local government service. Amends TCA, Title 8.

***Senate Bill No. 1589 -- Accountants --** Revises Tennessee Accountancy Act of 1980. Amends TCA, Title 62, Ch. 1.

Senate Bill No. 1797 -- Telecommunications -- Prohibits automatic dialing alarm usage of 911 number. Amends TCA, Title 7, Ch. 86.

***Senate Bill No. 1898 -- Water Pollution --** Decreases civil penalty for violations of water quality law. Amends TCA, Titles 68, 69.

***Senate Bill No. 1940 -- Game and Fish Laws --** Establishes severance fee on purchase of fresh water mussels.

***Senate Bill No. 1957 -- Election Laws --** Requires proof of college enrollment statement to be sworn. Amends TCA, Title 2.

***Senate Bill No. 2053 -- Criminal Offenses --** Makes it a felony to destroy or interfere with utility lines, fixtures or appliances. Amends TCA, Title 39, Ch. 14, Pt. 4.

Senate Bill No. 2058 -- Insurance, Motor Vehicles -- Increases number of years premium reduction is permitted for completing accident prevention course. Amends TCA 56-7-1107.

***Senate Bill No. 2226 -- Loan Companies --** Redefines "endorsement company" in Industrial Loan and Thrift Companies Act. Amends TCA 45-5-102.

***Senate Bill No. 2255 -- Planning, Public --** Removes requirements for prerequisites to granting certain building permits. Amends TCA 13-4-388.

***Senate Bill No. 2260 -- Financial Disclosure --** Broadens scope of information required under conflict of interest disclosure law.

WEDNESDAY, MARCH 21, 1990 -- EIGHTIETH LEGISLATIVE DAY

Amends TCA, Title 2, Ch. 10; Title 3, Ch. 6; Title 8, Ch. 50, Pt. 5.

***Senate Bill No. 2265 -- Industrial Development --** Permits industrial development corporation to acquire apartment buildings in urban areas. Amends TCA 7-53-302.

***Senate Bill No. 2271 -- Animals --** Grants local government officials authority similar to humane societies. Amends TCA, Title 39, Ch. 14, Pt. 2.

***Senate Bill No. 2331 -- Taxes, Sales --** Limits exemption for sales and use tax exemption on motor vehicles purchased by nonresident military personnel under certain circumstances. Amends TCA 67-6-303.

Senate Bill No. 2344 -- Pensions and Retirement Benefits -- Authorizes prior service credit in TCRS for certain persons. Amends TCA, Title 8, Ch. 35, Pt. 2.

***Senate Bill No. 2423 -- Education --** Revises provisions relative to education. Amends TCA, Title 49.

MESSAGE FROM THE SENATE

March 21, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 270, 414, 421, 554, 562 and 563; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Joint Resolution No. 0270 -- Highway Signs --** Directs designation of Cumberland Gap National Historic Park.

***Senate Joint Resolution No. 0414 -- Highway Signs --** Provides for signs indicating Norris Dam State Park and Lenoir Museum.

***Senate Joint Resolution No. 0421 -- General Assembly, Studies --** Continues HJR 240, to study the licensing of contractors and subcontractors.

Senate Joint Resolution No. 0554 -- Memorials, Retirement -- Honors Martha Rimlinger O'Rear on retirement from state service.

Senate Joint Resolution No. 0562 -- Memorials, Recognition -- Congratulates Tennessee Technological University on its 75th anniversary.

Senate Joint Resolution No. 0563 -- Memorials, Condolence -- Honors memory of Clarence H. Dizard.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

On motion of Rep. Naifeh, the House adjourned until 9:00 a.m., Thursday, March 22, 1990.